

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

MARKHAM CONCEPTS, INC., and  
LORRAINE MARKHAM,  
*Plaintiffs,*

v.

C.A. No. 1:15-cv-00419-S-PAS

HASBRO, INC., REUBEN KLAMER, IDA  
MAE ATKINS, DAWN LINKLETTER  
GRIFFIN, SHARON LINKLETTER,  
MICHAEL LINKLETTER, LAURA  
LINKLETTER RICH, and DENNIS  
LINKLETTER,  
*Defendants.*

**JOINT MOTION OF HASBRO, INC. AND REUBEN KLAMER  
TO EXTEND SCHEDULING ORDER**

Defendant Hasbro, Inc. (“Hasbro”) and Defendant Reuben Klammer (“Klammer”) (collectively, the “Moving Parties”), through their undersigned counsel, hereby move pursuant to Local Rule Cv 29(b) for an order extending the time to complete factual discovery in this matter until September 29, 2017, for the limited purposes described herein, with a corresponding extension of the remaining pretrial schedule dates. In support thereof, the Moving Parties state as follows:

1. Pursuant to the Scheduling Order issued by this Court on March 28, 2017, factual discovery shall “close” by August 28, 2017.

2. On July 28, 2017, Plaintiffs Markham Concepts, Inc. and Lorraine Markham (collectively, the “Markham Parties”) served:

- A Fed. R. Civ. P. 30(b)(6) notice of deposition on Hasbro, for a deposition to be held on a mutually agreeable date;

- A Fed. R. Civ. P. 30(b)(6) notice of deposition on Link (a predecessor in interest to Klamer and the Linkletter Parties), for a deposition to be held on a mutually agreeable date;
- Notices of individual deposition to Dennis, Sharon, Michael, Laura and Dawn Linkletter, for depositions to be held on mutually agreeable dates; and
- New interrogatories, requests for the production of documents, and requests for admission on Hasbro, Klamer, and the Linkletter Parties.

3. All parties are working in good faith to resolve certain of Hasbro's, Klamer's, and the Linkletter Parties' objections to the Markham Parties' July 28 discovery requests and deposition notices.

4. Hasbro's corporate designees are unavailable for deposition until mid-September, and Hasbro and the Markham Parties have tentatively agreed to hold the depositions during the week of September 18, 2017. The Markham Parties also have indicated that they intend to issue notices of individual deposition to each of Hasbro's corporate designees, as well as inspect certain records that Hasbro has agreed to make available. The parties are working in good faith to schedule these depositions and inspection for mutually agreeable dates and times.

5. On August 15, 2017, counsel for all parties in this case attended an in-chambers conference with the Court (Judge Smith). Following that conference, the Court issued an order setting another in-chambers conference for October 5, 2017, a date requested by the Markham Parties.

6. To the Moving Parties' understanding, in the August 15 conference, the Court directed the Markham Parties to complete, by the October 5 conference, their efforts to obtain certain records from the State of California, including but not limited to adoption records sufficient to identify each of Bill Markham's legally adopted children, in response to other parties' existing discovery requests.

7. In addition, the Court directed the parties to (*inter alia*) resolve all outstanding issues related to the Markham Parties' standing in this Action by the October 5 conference. To that end, the Markham Parties must provide further documents and evidence, including but not limited to (i) documents demonstrating a reassignment of Bill Markham's interest in and to the Game of Life, in light of the 1966 assignment documents transferring interest to Spilka & Company (*see* RK\_000831-RK\_000834), and (ii) documents sufficient to demonstrate the current trustees of the Bill and Lorraine Markham Exemption Trust, and the Lorraine Markham Family Trust. The Markham Parties acknowledged as much at the August 15 conference.

8. On August 18, 2017, Hasbro served new interrogatories and requests for admission on the Markham Parties.

9. On August 25, 2017, the Markham Parties and the Linkletter Parties reached an agreement to schedule the deposition of Sharon Linkletter at a mutually agreeable time after the August 28, 2017 close of fact discovery, and to determine on the basis of that deposition whether and to what extent any other Linkletter Parties may be deposed.

10. The Moving Parties therefore request that the fact discovery deadline be extended through Friday, September 29, 2017, to accommodate the depositions and other ongoing fact discovery efforts described above.

11. Because the depositions and responses to the discovery requests described above may impact expert witness disclosures, the Moving Parties further request that the remaining dates in the Scheduling Order each be extended by approximately one month, as set forth below.

12. Under the proposed revision to the Scheduling Order, all fact discovery, with the exception of the depositions and any outstanding responses to the discovery requests described above, shall be completed by August 28, 2017; the limited remaining fact discovery shall be

completed by September 29, 2017; the Markham Parties' expert disclosures shall be made by October 27, 2017; Hasbro's, Klamer's, and the Linkletter Parties' expert disclosures shall be made by November 29, 2017; expert discovery shall be completed by January 2, 2018; and dispositive motions shall be due by February 2, 2018.

13. All parties were invited to join in this Motion. Counsel conferred about it via electronic mail as well as telephone.

14. The Moving Parties understand that the Linkletter Parties do not oppose this Motion but do wish to reserve their objections to the notices of deposition that the Markham Parties' have served upon them.

15. The Moving Parties understand that the Markham Parties oppose this Motion except to the extent it enlarges fact discovery for the specific purpose of taking the depositions of Hasbro's corporate representatives.

16. This is the first request for an extension of the Scheduling Order. The Moving Parties believe that no party will be prejudiced by the granting of the limited extension.

17. The Moving Parties believe that the requested limited extension will confer certainty as to the parties' remaining fact discovery obligations as well as the case schedule thereafter.

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Dated: August 25, 2017

HASBRO, INC.

By its attorneys,

/s/ Joshua C. Krumholz

Joshua C. Krumholz (admitted *Pro Hac Vice*)

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By his attorneys,

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*Attorneys for Defendant and  
Counterclaim Plaintiff Reuben Klamer*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 25, 2017, I filed the foregoing Motion through the ECF system and that notice will be sent electronically to the counsel who are registered participants identified on the mailing information for Case No. 15-cv-00419-S-PAS.

/s/ Patricia K. Rocha